IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the April 21st, 2006

Criminal Misc. Bail Application No.244 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Amit S/o Shri Jagdish Raj
R/o Gandhi Nagar Haldwani
P.S. Haldwani
District Nainital …Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of case crime No.8077 of 2005
Under Sections 307/302 IPC
P.S. Haldwani
District Nainital

Hon'ble J. C. S. Rawat, J.

Heard Sri Navneet Kaushik learned counsel for the applicant, Sri A.S. Gill learned counsel for the complainant and learned A.G.A. for the State.

Perused the record. According to the FIR, the altercation took place during the day in between the deceased and one-Naveen and thereafter Naveen left from the place of occurrence. When the complainant, Raj and Vimal were playing carom, the accused Naveen alongwith Amit and other person came there and fired upon them. It was contended on behalf of the applicant that the complainant and Vishal have not stated in their evidence recorded under section 161 Cr.P.C. that they were playing carom at the relevant point to time. It was further contended that a different story has been narrated excluding one of the culprit mentioned in the FIR and they also added the name of two accused. It was further contended that there is one injury of gunshot and it is alleged that two persons had fired upon the deceased. No specific role has been assigned that who fired upon the deceased and by whose countrymade pistol the deceased sustained the injury. It was contended that the statements and the entire story narrated in the FIR is totally different. Considering the contentions, facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

Dated 21.04.2006 **(J.C.S. Rawat, J.)**

LSR